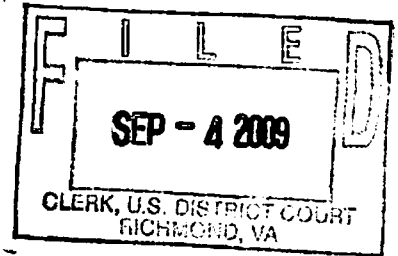


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



PAMELA G. CAPPETTA,

Plaintiff,

v.

Action No. 3:08-CV-288

GC SERVICES LIMITED PARTNERSHIP,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion for Reconsideration of the Court's August 12, 2009 Order (Docket No. 182), filed July 2, 2009, as well as Plaintiff's unopposed Motion for Leave to File Excess Pages (Docket No. 188), filed August 24, 2009.

In its August 12, 2009 Order, the Court directed Defendant "to provide to Plaintiff, by September 1, 2009, (1) the so-called '12-21 screen shots referenced in Plaintiff's status reports; and (2) an explanation of any free text or codes present within the 'Name2' field. . . in a format that is readily understandable by Plaintiff and, potentially, a jury."

Defendant posits that it cannot reasonably comply with these requirements that have created an undue burden. Further, Defendant represented to the Court at the September 1, 2009 hearing of this matter that it had several employees working diligently in the effort to comply with the Court's Order and had to date "printed" to Microsoft Word over 2,000 "12-21" screen shots and provided to Plaintiff a copy of these files at the hearing.

Plaintiff avers that Defendant should provide this requested discovery because she anticipates Defendant will use this data as part of its defense at trial. Otherwise, according to

Plaintiff, the Court should preclude Defendant from utilizing any defense based on this particular data.

Upon due consideration, the Court hereby:

- (1) GRANTS Plaintiff's Motion for Leave to File Excess Pages;
- (2) DIRECTS the Clerk to file the Proposed Reply Memorandum received as Docket No. 190;
- (3) FINDS that compliance with the Court's August 12, 2009 Order in full imposes an undue burden upon Defendant;
- (4) GRANTS Defendant's Motion for Reconsideration; and
- (5) unless the parties negotiate another solution to this issue, DIRECTS Defendant to provide Plaintiff, within fourteen days of this Order, screen shots solely of the "supp spend" information (which Plaintiff avers appears on a single page) for a random sampling totaling 6,500 of the approximately 130,000 American Express accounts assigned to it with supplemental cardholders. This random sampling may include the 2,170 account screen shots Defendant has already produced.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

/s/
James R. Spencer
Chief United States District Judge

ENTERED this ^{xx}~~4~~ day of September 2009